



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

MAR 04 2016

Hon. Vondelere A. Scott, Acting Mayor  
Keystone Municipal Authority  
HC 52 Box 200  
Keystone, West Virginia 24868

RE: Notice of Violation, Docket No. SDWA-03-2016-020-VS  
Keystone Municipal Authority, Keystone, McDowell County, West Virginia  
PWS ID No. WV3302430

Dear Acting Mayor Scott,

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human Resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

**NOTICE OF VIOLATION**

**FINDINGS**

Based on the information we possess:

1. Vondelere A. Scott is the Respondent of the Keystone Municipal Authority public water system (PWS), PWS Identification Number WV3302430 (System). Respondent is a "persons" as defined by Section 1401(12) of the SDWA and 40 C.F.R. § 141.2.
2. According to the information provided by WVDHHR, Keystone Municipal Authority is a ground water System that serves approximately 448 persons and has approximately 105 service connections. Therefore, the System is both a public and a community water system as defined by Section 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f (4), 300f (15), and by 40 C.F.R. § 141.2.
3. Respondent failed to monitor for a series of organic compounds, including synthetic organic compounds (SOCs) and volatile organic compounds (VOCs), as required by 40 C.F.R. § 141.24 during the triennial monitoring period beginning January 2011 through December 2013.

4. Respondent failed to monitor for arsenic, as required by 40 C.F.R. § 141.23(c) during the triennial monitoring period beginning January 2011 through December 2013.
5. Respondent failed to monitor at each sampling point for a series of inorganic compounds (IOCs), as required by 40 C.F.R. § 141.23(c) during the triennial monitoring period beginning January 2011 through December 2013.
6. Respondent failed to monitor for nitrate and nitrite, as required by 40 C.F.R. § 141.23(d)-(e) during the annual monitoring period beginning January 2015.
7. Respondent failed to comply with routine tap sampling requirements for lead and copper analysis, as required by 40 C.F.R. § 141.86(a)-(c) during the triennial monitoring period beginning January 2012 and subsequent yearly monitoring periods beginning in January 2014 and January 2015.
8. Respondent failed to collect the scheduled routine total coliform samples from sites approved in the written site sampling plan, as required by 40 C.F.R. § 141.21(a)(1)-(2), during the monthly monitoring periods from August through December 2015.
9. Respondent failed to measure the residual disinfectant level in the distribution system at the same time total coliforms are sampled, as required by 40 C.F.R. 141.132(c)(1), during the monthly monitoring periods from July through December 2015.
10. Respondent failed to monitor the residual chlorine disinfectant concentration using the approved analytical methods at a State-approved sampling location each day the System provides water to the public, as required by 40 CFR § 141.403(b)(3)(i)(B), for the monthly monitoring periods of August through December 2015.
11. Respondent failed to deliver one copy of the 2014 Consumer Confidence Report (CCR) to each member of the service population by July 1, 2015, as required by 40 C.F.R. § 141.152(a).
12. Respondent failed to deliver a copy of the 2014 Consumer Confidence Report (CCR) to WVDHHR, by July 1, 2015, as required by 40 C.F.R. § 141.155(c).
13. Respondent failed to submit certification to WVDHHR that the Consumer Confidence Report (CCR) had been distributed to the service population within three (3) months of the July 1, 2015 distribution date, as required by 40 C.F.R. § 141.155(c).
14. Respondent failed to employ a certified operator who meets the requirements specified by the State and are included in the State register of qualified operators, as required by 40 C.F.R. § 141.130(c), since December 2015.
15. Respondent failed to address the significant deficiencies documented in the 2014 Sanitary Survey conducted by WVDHHR within thirty (30) days of receipt as required by 40 C.F.R. 141.403(a).
16. Respondent failed to complete corrective action in accordance with State specified actions within one-hundred twenty (120) days of receiving written notice from the State of significant deficiencies, as required by 40 C.F.R. § 141.404.
17. Respondent failed to notify persons who are served by the System of its treatment technique violations as required by 40 CFR § 141.203, during the following notification periods:

- a. Failure to provide public notice by December 12, 2014 for failure to maintain System's 4-log treatment of viruses each day the System provides water to the public during September 2014.
  - b. Failure to provide public notice by February 13, 2015 for failure to maintain System's 4-log treatment of viruses each day the System provides water to the public during November 2014.
  - c. Failure to provide public notice by April 11, 2015 for failure to maintain System's 4-log treatment of viruses each day the System provides water to the public during January 2015.
  - d. Failure to provide public notice by May 1, 2015 for failure to maintain System's 4-log treatment of viruses each day the System provides water to the public during February 2015.
18. Respondent failed to notify persons who are served by the System of its monitoring and reporting violations as required by 40 CFR §141.204, during the following notification periods:
- a. Failure to provide public notice by November 1, 2009 for exceeding the total coliform maximum contaminant level in August 2009.
  - b. Failure to provide public notice by August 23, 2010 for failure to collect routine total coliform samples in July 2009.
  - c. Failure to provide public notice by October 23, 2010 for failure to collect routine total coliform samples in September 2009.
  - d. Failure to provide public notice by July 11, 2012 for failure monitor to the daily chlorine residual concentrations in May 2011.
  - e. Failure to provide public notice by December 5, 2013 for failure to monitor daily chlorine residual concentrations in October 2012.
  - f. Failure to provide public notice by February 7, 2014 for failure to monitor lead and copper during years 2010 through 2012.
  - g. Failure to provide public notice by October 3, 2014 for failure to monitor the daily chlorine residual concentrations in August 2013.
  - h. Failure to provide public notice by January 15, 2015 for failure to collect routine total coliform samples in November 2013.
  - i. Failure to provide public notice by January 15, 2015 for failure to monitor chlorine residual concentrations during total coliform sampling in November 2013.
  - j. Failure to provide public notice by January 30, 2015 for failure to monitor the daily chlorine residual concentrations in December 2013.
  - k. Failure to provide public notice by February 13, 2015 for failure to monitor synthetic organic chemicals (SOCs), volatile organic chemicals (VOCs), inorganic chemicals (IOCs), and arsenic during the triennial monitoring period beginning January 2011 through December 2013.
  - l. Failure to provide public notice by May 2, 2015 for failure to monitor for routine total coliform analysis.
  - m. Failure to provide public notice by May 6, 2015 for failure to monitor chlorine residual concentrations during total coliform sampling in March 2014.
  - n. Failure to provide public notice by July 31, 2015 for failure to distribute the 2014 Consumer Confidence Report by July 1, 2014.
  - o. Failure to provide public notice by November 11, 2015 for failure to monitor lead and copper in 2014.

- p. Failure provide public notice by January 10, 2016 for failure to employ a certified operator since 2015.

19. Respondent failed to submit to the WVDHHR copies of public notifications of the violations in paragraphs 17 and 18, and provide certification that it had fully complied with the public notification regulations as required by 40 C.F.R. §141.31(d).

**The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Ms. Michelle Audie at 215-814-5457, if you wish to request such advice or assistance.**

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g - 3(a). After thirty (30) days from the date of this notice, EPA is authorized to issue either an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

### **REQUEST FOR INFORMATION**

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require the Respondents of public water systems to provide information as necessary to carry out the purposes of the SDWA.

In accordance with Section 1445(a) of the SDWA, Respondents are required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondents of any liability for violations of the SDWA. Respondents may be subject to civil and criminal sanctions if they provide misleading or false information or fail to provide the requested information. Information which Respondents provide may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondents are directed to provide EPA the following information:

1. Name and street address of the owner or operators of the System. If this is a corporation, provide the names, titles, and addresses of the official contact personnel. Do not provide a post office box.
2. Name and street address of the owner or operators of the System, and state certification number, if applicable. If this is a corporation, provide the names, titles, and addresses of the official contact personnel. Do not provide a post office box.
3. Number of persons served drinking water by the System per day, on average.
4. Number of service connections to the System.
5. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
6. Copies of all synthetic and volatile organic compounds (SOCs and VOCs) laboratory analyses conducted since January 2011.
7. Copies of all arsenic laboratory analyses conducted since January 2011.
8. Copies of all inorganic compounds (IOCs) laboratory analyses conducted since January 2011.
9. Copies of all nitrate and nitrite laboratory analyses conducted since January 2015.
10. Copies of all lead and copper data collected during tap samplings conducted since October 2012.
11. Copies of all total coliform laboratory analyses conducted since July 2015.
12. Copies of all chlorine residual concentration data collected in the distribution system during routine total coliform sampling since July 2015.
13. Copies of all chlorine residual concentration data collected at the State-approved sampling location since August 2015.
14. A copy of the 2014 Consumer Confidence Report (CCR) for the System.
15. Copies of any written responses forwarded to WVDHHR concerning the significant deficiencies cited in any Sanitary Survey conducted at the System.
16. Copies of any public notifications posted or provided to water users, regarding the violations listed in paragraphs 3 through 18 of the Findings.
17. Copies of any correspondence or reports forwarded to WVDHHR concerning violations and public notifications for the violations listed in paragraphs 3 through 18 of the Findings.
18. All existing operational plans and schedules for monitoring, reporting and public notification.
19. Your response to this Notice of Violation and Request for Information shall be in writing.

20. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Ms. Michelle Audie  
United States Environmental Protection Agency  
Ground Water and Enforcement Branch (3WP22)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
[Audie.Michelle@epa.gov](mailto:Audie.Michelle@epa.gov)

and

Mr. Walter M. Ivey  
West Virginia Bureau of Public Health  
Office of Environmental Health Services  
Environmental Engineering Division  
WV Department of Health and Human Resources  
Capitol and Washington Streets  
1 Davis Square, Suite 200  
Charleston, WV 25301-1798

If you have any questions, please contact **Michelle Audie** at **215-814-5457**.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief  
Ground Water and Enforcement Branch

cc: Mr. Walter M. Ivey, WVDHHR Charleston Office  
Ms. Meredith J. Vance, WVDHHR Charleston Office  
Mr. John PB. Stafford, WVDHHR Beckley Office